

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

OBENTO LIMITED (d/b/a Chinese Menu
Online), a Hong Kong business entity; P &
F INC. DBA HAPPINESS
RESTAURANT, on behalf of itself and all
others similarly situated,

Plaintiffs,

vs.

QMENU, INC., a Georgia corporation,

Defendant.

Case No.: 1:21-CV-03949-SCJ

Hon. Steve C. Jones

CLASS ACTION

**CONSENT MOTION TO FILE AMENDED COMPLAINT AND TO
EXTEND DEADLINES**

COME NOW, Plaintiffs Obento Limited d/b/a Chinese Menu Online (“Chinese Menu Online”) and P & F Inc. DBA Happiness Restaurant (“Happiness”), (collectively, Chinese Menu Online and Happiness are referred to as “Plaintiffs”), with the consent of Defendant qMenu, Inc. (“qMenu”), and pursuant to Fed. R. Civ. P. 15(a)(2), hereby seek leave to file an Amended Complaint and to Extend Deadlines. In support of this Motion, the parties show as follows:

1. On September 24, 2021, this action was transferred from the United States District Court for the Northern District of Illinois. (Doc. 67).

2. Upon transfer of this case, the Court terminated the pendency of Defendant's Motion to Dismiss (Doc. 17) and ordered Defendant to re-file its Motion to Dismiss within fourteen (14) days of the Court's September 28, 2021 order. (Doc. 71).

3. On October 12, 2021, Defendant re-filed its Motion to Dismiss Plaintiffs' Complaint for Failure to State a Claim. (Doc. 77).

4. Per L.R. 16.2, the parties are required to file their Joint Preliminary Report and Discovery Plan within thirty (30) days of Defendant's appearance by answer or motion, which is November 11, 2021.

5. Plaintiffs have requested, and Defendant has agreed, that Plaintiffs can file an Amended Complaint and ask the Court to grant leave for the same.

6. Defendant has requested, and Plaintiffs have agreed, that Defendant can have twenty-one (21) days to respond to Plaintiffs' Amended Complaint and ask the Court to grant leave for the same.

7. In light of the anticipated Amended Complaint, the parties also request that the deadline for filing the Joint Preliminary Report and Discovery Plan be extended twenty-one (21) days from the date the Amended Complaint is filed so that any additional issues raised by the Amended Complaint can be addressed in the report.

WHEREFORE, Plaintiff requests that it be granted leave to file an Amended Complaint and that the deadlines for Defendant's response to the Amended Complaint and deadline for filing the Joint Preliminary Report and Discovery Plan be extended twenty-one (21) days from the date the Amended Complaint is filed.

A proposed order granting this Consent Motion to File Amended Complaint and to Extend Deadlines is attached hereto as Exhibit "A." A copy of the draft Amended Complaint is attached hereto as Exhibit "B."

Respectfully submitted this 11th day of November 2021.

FIELDS HOWELL LLP

By: /s/ Tyler Bryant Walker
One of the Attorneys for Obento Limited dba
Chinese Menu Online and P&F, Inc. dba
Happiness Restaurant, on behalf of itself and all
others similarly situated

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CERTIFICATION OF COMPLIANCE

I certify that the foregoing document was prepared using double spacing and Times News Roman, 14-point font, as required by Local Rule 5.1(c).

Respectfully submitted this 11th day of November 2021.

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CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2021, the foregoing was filed electronically with the Clerk of Court using the CM/ECF system that will send an electronic notification to counsel of record for all parties.

Respectfully submitted this 11th day of November 2021.

FIELDS HOWELL LLP

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